

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DENNIS APPEL and  
CHRISTOPHER BOSHOF**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:21CV037-DMB-JMV**

**KYLE MILLS TRUCKING & CUSTOM  
HARVESTING, LLC and KYLE MILLS**

**DEFENDANTS**

**MOTION TO ESTABLISH A SETTLEMENT PAYMENT SCHEDULE**

**COME NOW**, Defendants Kyle Mills Trucking & Custom Harvesting, LLC and Kyle Mills, by and through counsel, and files this Motion to Establish Settlement Payment Schedule, as follows, to-wit:

Defendants acknowledge they entered into a settlement arrangement in October 2021, but due to the substantial loss of farm income, they have not been able to meet that obligation. Accordingly, Defendants now move this Court to establish a Modified Schedule for payment of the settlement agreed to.

In support thereof, Defendants attach the following:

- Exhibit 1: Express Grain Docket Sheet
- Exhibit 2: Assertion of Interest
- Exhibit 3: UMB Amended Complaint
- Exhibit A: Affidavit of Anna Mills
- Exhibit B: Nutrien Ag Solutions bill
- Exhibit C: Scott Petroleum Corporation bill
- Exhibit D: Simplot Grower Solutions bill

Exhibit E: Good Faith Check

Exhibit F: Bank Statements

### **Conclusion**

For these reasons and the reasons set forth in the memorandum of authorities, it is respectfully submitted that this Court order a modified payment schedule be allowed for Defendants to satisfy their settlement obligations.

**RESPECTFULLY SUBMITTED** this 26<sup>th</sup> day of August, 2022.

**JACKS | GRIFFITH | LUCIANO, P.A.**

By: /s/ Jamie F. Lee

Jamie F. Lee, MS Bar No. 101881

Bethany A. Tarpley, MS Bar No. 104134

*Attorneys for Defendants Kyle Mills*

*Trucking & Custom Harvesting, LLC and  
Kyle Mills*

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**CERTIFICATE OF SERVICE**

I, Jamie F. Lee, attorney for Defendants do hereby certify that I have this day filed a true and correct copy of the above and foregoing *MOTION TO ESTABLISH A SETTLEMENT PAYMENT SCHEDULE* with the Clerk of Court via the CM/ECF system, which caused notice of filing to be served on all registered counsel of record.

THIS, the 26<sup>th</sup> day of August, 2022.

/s/ Jamie F. Lee

JAMIE F. LEE